

The Rutland Herald.

"LIBERTY AND UNION, NOW AND FOREVER ONE AND INSEPARABLE."—JEFFERSON.

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The Rutland Herald.

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POETRY.

THE GOLDEN AGE.

[Fisher's Drawing-Room Scrap-Book (London) for 1835, contains an exquisite portrait of youthful loveliness entitled "The Golden Age," to which the Quaker Minister, Bernard Barton, has appended the following characteristic stanzas:]

I marvel not that the artist's pride,
When he finish'd this lovely page,
With innocence, beauty, and youth supplied,
Should have named it "The Golden Age."
'Tis the portrait of one in her girlhood's prime,
Uncolored by care, and unsullied by crime.
And an age so blissful, and pure, and bright,
Ina weaver would like ours,
With its spirits as gay, and its heart as light,
As a butterfly round spring flowers,
May bring forward titles manifold,
A being so happy and high to hold.

'Tis the age when the heart in its blithesome glee
Can at each glad impulse bound;
When all that the young before them see
Has a halo of beauty round;
When grief is paucity, and joy is pure,
And the whispers of hope seem true and sure.
It may chance in a volume like this, designed
For the joyous young and fair,
That these hasty and artless lines may find
A reader as free from care,
As lovely a type of Life's Golden Age,
As the being portrayed in the perishing page.
Maiden! think not I would cloud thy brow
By a boding of future ill;
Or that bosom which throbs so lightly now
With a warning voice would chill;
Unworthy the bard of his calling high,
Who would wake in that hour a causeless sigh.

'Tis the morning of life! Be blithe and gay
As the birds which around them sing;
Yet remember that morn is but part of the day,
That evening's shadows must bring,
And the darkness of night must soon follow that eve
When the fast-fading twilight hath taken its leave.

But fear thou not! Let thy morning be spent
So that eve may its course approve;
And when stars come forth in the firmament,
Thou shalt view them with hope and love;
And mark unrepentant the gathering night
Waiting a morning of endless light.

'Tis the Spring-time of being; yet bear in mind
Thy Summer will soon be here;
That its Autumn will linger not long behind,
When the flowers and leaves turn aere;
And that Winter will come, which comes to all,
When the flower must die, and the leaf must fall,
So guard the blossoms thou bearest now,
That when Summer shall be o'er,
The fruitage of Autumn on every bough
May prove thy Winter store;
And when Time's brief seasons no changes bring,
Thou shalt know an everlasting Spring.

Now in thy youth beseech of Him
Who giveth, upbraiding not,
That his light in thy heart become not dim,
And his love be unforgotten;
And thy God, in the darkest of days, will be
Greenness, and beauty, and strength, to thee!

Deferred Articles.

MATRIMONIAL ANECDOTE.—About a century ago, with tradition, when clergymen were not so plenty as they are now, a young gentleman and his delectable were anxiously awaiting the happy day, which was to see them united in the sacred bonds of matrimony. They resided on the north side of the Tomlinson creek, and the clergyman who had been engaged to tie the knot, lived on the south side of this creek. As the fates would have it, heavy rains fell the night previous to the nuptial day, which rendered the creek impassable. Its waters were rising, and its current becoming more rapid every hour. The clergyman arrived at the time appointed at a point where he had been in the habit of fording the creek; but it was as much as his life was worth to attempt to ford it on this occasion. He turned his horse's head to return, when he was hailed by two voices on the opposite side of the stream—they were those of the bride and groom, who engaged him to stay. After some debate it was agreed that the ceremony should proceed. In the mean time the friends of the betrothed arrived, from the bride's house in the neighborhood. Then was presented a singular spectacle, the like whereof was never seen before, and probably will not be again. The domestic read the marriage service, on the margin of the creek, while the parties stood on the opposite side. After the ceremony was over, the groom tossed a few guineas across the creek, which the domestic picked up and pocketed as his fee, mounted his horse, and proceeded homeward, and the married couple did the same.—*Schenectady Reflector.*

COMMERCE OF BOSTON.—The number of Foreign arrivals into this port, during the years 1829, was 663; 1830, 648; 1831, 766; 1832, 1064; 1833, 1066; 1834, 1156; 1835, 1302.
The number of Foreign clearances during the year 1829, was 524; 1830, 561; 1831, 679; 1832, 943; 1833, 985; 1834, 1003; 1835, 1211.

The arrivals during the present year are more than during any previous year, since the adoption of the present Constitution.—*Chr. Watchman.*

APPOINTMENT BY THE PRESIDENT.—Gov. W. Barker, of this place, has been appointed Marshal of the district of Vermont, vice Heman Lowry resigned.—*Woodstock paper.*

Doct. Samuel Thompson has lately recovered \$30,000 of an individual in New York, for an infringement of his patent.

From the Oneida Whig of Dec. 29.

SINGULAR AND AWFUL TRAGEDY!!!

The annals of Oneida county do not contain the record of a crime so mysterious in its cause, so brutal and revolting in the manner of its perpetration, as that which we are about to narrate. On Sunday morning last, a girl, living in a family by the name of Farnsworth, in Paris, in this county, in the capacity of a servant, we understand, rose about 7 o'clock, and was about getting out of bed, when she noticed a quantity of blood on the floor. On looking again, she saw the man with whom she lived, lying there apparently perfectly dead, with his throat cut from ear to ear. Beside him and near him lay his wife, her throat cut and mangled by an axe, and her whole face cruelly and brutally bruised. Being terrified beyond expression, she ran without dressing into a room some distance off in the same house, to alarm a young man by the name of Babcock, who slept there. On going to his bedside, to her dismay and horror, she found him perfectly lifeless, his head beaten into pieces, and the blood and brains scattered on the ceiling and walls. She then ran out of the house to that of a neighbor, a short distance, and roused him by her outcries.—He got up and after hearing her statement, went over and found every thing as she had informed him. Mr Farnsworth was lying on his back, with his head turned near the floor and eyes not entirely closed. His razor was laid on the edge of a chest which he had apparently opened deliberately to get at his case of razors, and it was turned back with its edge exposed as if he had that moment laid it down. His wife was lying near, and in the condition we have before mentioned. She was just expiring, and faintly breathing, but senseless. Babcock, in the other room, was entirely dead. We should mention that Mrs. Farnsworth appeared to have been dressing when she was struck, as she had on some parts of her dress.

The explanation, as far as we have been able to obtain it from an intelligent man, who saw the persons lying dead, as we have described them, is this. Farnsworth was an Englishman, about 30 years of age, who had about three months since married a young woman in the neighborhood, who sustained a good character, and hired a house of Babcock, who boarded with him. Babcock was about 22 or 23 years of age, and is a native of this county. Farnsworth, without question, committed the murders from jealousy, for which there was, as we are credibly informed, no foundation. The murder must have been perpetrated about 6 o'clock. The girl before mentioned slept in the same room with Farnsworth and his wife, but states that she heard no noise, nor did she wake up until after her usual time.—Farnsworth and his wife were never noticed to be at variance, nor did he ever complain of her. He is said to have been of an irritable humor, and of an unhappy and jealous temperament. The parties were together on Saturday evening as usual, and several persons who were visiting stated that they observed nothing singular in Farnsworth or the other parties.

The Coroner was immediately called, and an investigation held, but we have not been able as yet to learn the verdict.

PRAYING FOR HUSBANDS.—The Convent of the Chartreuse, at Aunay in Normandy, possesses little other interest than that of its site, except that it certainly contains the most wonderful working altar in all Christendom. The natives have the firm belief that whatever boon is there solicited, is granted to the petitioner. This well frequented altar is dedicated to St. Anne. Mrs Stothard relates, in her late tour, that she observed a certain young girl offer prayers, with great punctuality and earnestness of devotional feeling, to St. Anne, and observes, that from her best cap and jacket being worn on such occasions, and the soft air of a young man who always accompanied her to the church door, she could without much craft, divine the subject of her devotion; and the more especially as the girl was assured, in proof of the efficacy of St. Anne's blessing upon her shrine, that a certain young lady of Aunay, who feared dying (rather say living) an old maid, very earnestly begged the saint to grant her a husband. St. Anne's bounty being equal to her power, she most kindly sent the trembling petitioner three husbands in the space of five short happy years!

WAR IN FLORIDA. We regret to learn that the Territory of Florida has become the theatre of a petty war, in which already the blood of Indians and whites has been shed. A conflict took place, on the 18th ult. between a party of Indians, 50 or 60 in number, and a party of militia, 30 or 40 in number, near Fort Crum, in which, of the whites, one sergeant and seven privates were killed, and seven wounded. Gen. CALL, with 250 men, arrived in camp on the 19th, and took the general command. The body of the Indians was in the neighboring hammocks, and a general battle was expected. The white families have, for the most part, abandoned their homes, in great alarm, and assembled at the different places where the inhabitants have erected, or are erecting, forts for protection. At Newmansville, the Court-house is turned into a fort, and the jail into a block-house. At old Mr Crum's (Fort Crum) are upwards of three hundred people, and more coming in. Meanwhile, the Indians are said to have laid waste the country from Black Creek to Fort King, a distance of eighty mile.—*National Intel.*

VERMONT CONVENTION.

[From the Vermont Watchman.]

SATURDAY, JAN. 9.

The question being on the adoption of the resolution of Mr Collamer, the ayes and noes were as follows, viz:

AYES.—Adams, Aiken, Alden, Ambler, Armstrong, Austin, Bartlett, Beaman of Fairfax, Beaman of Poultney, Rockwith, Blodgett, Roynton, Bottom of Shaftsbury, Bottom of Newhaven, Brownell, Bush, Bushnell, Butler, Carpenter of Orange, Carter, Cahoon, Church of Hancock, Clendinning, Clendinning, Chipman, Child, Clark, Cooley, Cobb, Collamer, Dana, Dewey, Dunningham, Eager, Field of Westminster, Fitch, Flagg, Flanders, Fletcher, Fuller of Hardwick, Fout, French, Galusha, Giddings, Griswold, Hale of Brandon, Hall of Wallingford, Harmon, Hamilton, Hayes, Hewett, Hinman of Derby, Hill, Hollister, Hunt Jewett, James, Kellman, Kimpton, Kittredge, Knapp of Berlin, Knight, Ladd, Lawrence, Leavens of Berkshire, Longshore, Lockwood, Mattocks, Mason of Sheldon, Marsh, Mansfield, McDaniels, Meach, Morgan, Morrill of Stratford, Merrill of Castleton, Noble, Onion, Padlock, Palmer of Danville, Palmer of Plainfield, Perry, Pomeroy, Prichard, Reynolds, Richmond, Sargent, Scott, Sherman, Shedd, Shatter, Sleeper, Soule, Soule, Smith of Chelsea, Smith of Monkton, Smith of Northfield, Starks, Stanley, Stowell, Stewart, Sumner, Swift, Thomas, Tracy, Vanderveg, Vail, Watkins, Wells, White, Wheelock, Wright of Norwich, Wright of Shuteham, Yale, —116.

NOES.—Albee, Barrows, Balch, Bailey of Brighton, Bailey of Fairlee, Ball, Belding, Bean, Blake, Bruce of Chester, Bruce of Woodbury, Bradley, Carlisle, Carpenter of Moretown, Chaffee of Belvidere, Chaffee of Rochester, Church of Kirby, Chamberlain, Chase, Clement, Cole, Cashman, Dea, Dickerman, Drew, Emery, Field of Guilford, Field of Wilmington, Fiske, Fisher, Flint, Fuller of Troy, Fullerton, Foster, Fry, Gray, Gardner, Gilman, Gibson, Gleason, Goodale, Hall of Dover, Hatch, Harris, Hewes, Hendee, Hinman of Holland, Hix, Hitchcock, Howe, Holt, Huntington, Husted, Hyde, Jackson, Jenness, Johnson, Jones of Waitsfield, Kelton, Kidder, Knapp of Woodford, Knapp of Searsburgh, Leavings of Morgan, Leonard, Luce, May, Mather, Mason of Es, Miller of Lowell, Miller of Westfield, Millard, Moore of Newport, Moore of Rupert, Morrill of Ryegate, Morse, Newcomb, Niles, Pike, Pines, Rice, Robinson, Rounds, Rowell, Sawyer, Sartwell, Schoff, Scofield, Sears of Merristown, Sears of Richford, Shearer, Slater, Smith of Ludlow, Stevens of Bloomfield, Stevens of Newbury, Stickney, Stebbins, Stone, Stowe, Stoddard, Taber, Taggard, Taylor, Thatcher Thomson, Townsend, Vilas, Walker, Wales, Wallace, Whitney, Wheeler, Wheelock of Eden, Wiley, —113.

MONDAY, JAN. 11.

Mr Mattocks introduced a resolution declaring it inexpedient to adopt the 19th article of the proposed amendments, (providing the manner in which amendments of the Constitution shall be hereafter moved.)

Mr Fitch moved to lay the resolution upon the table, and pledged himself to call it up immediately upon the disposition of a matter he was about to suggest.

The motion being agreed to, Mr Fitch then rose and said it had been reported that there was a mistake in the statement of the vote taken on Saturday evening. He desired the Secretary to say whether it was true that there was such a mistake.

The Secretary replied, that as the vote was first counted there appeared to be ayes 116, noes 112; but upon a subsequent examination and count, there appeared to be ayes 116, noes 113.

Mr Fitch resumed: He had come here with a settled determination to use due diligence to obtain a fair discussion and a fair expression of sentiment upon the important questions presented to the Convention; he had sat patiently and listened to the full discussion—he had recorded his vote in favor of the proposed amendments. But he was ready to declare in his place, as a representative of the people, that he would never accept these amendments to the Constitution, on the vote of Saturday night. He had heard it on good authority—he was impelled to believe—that an individual had taken a seat and entered into the discussion and recorded a vote on this question, without the least shadow of authority; he had come here by the basest means, by the grossest corruption; he was compelled to say it. The individual was Dr Dewey of Guilford, a President of a Bank; he had gotten up a meeting of his friends, procured their votes, obtained a certificate from the constable, and intruded himself into the House. Now, then, he would say, never should the people of Vermont have a constitution thus smuggled upon them, with his assent. He lamented the depravity of the human heart—he had seen enough of it—enough of it in his own breast; for thirteen years he had been in this house, and witnessed many a contest, many a case, accompanied at least by dishonesty—but never had he witnessed a case bearing all the marks of turpitude and corruption which this case bore upon the face of it. That individual was an intelligent man—his voice had been heard here, his influence had been exerted, (and he had peculiar means of exercising influence)—it had been all done for the basest purposes. He repeated, that he would not stand by and permit a constitution to be thus smuggled into existence. He moved that the vote of Saturday be reconsidered.

Mr Niles said that he adopted it as his principle that when the will of the people was fairly expressed, he must submit—the minority must yield. Was the will of the people fairly expressed in the vote of Saturday? He was not clear upon that question; it was not determined yet who were in fact delegates, and were his constituents to ask him, when he returned, why that point had not been determined, he could not give the reason. Therefore it was that he would reconsider the vote; he would know who were entitled to represent the will of the people first—and when that was known and that will was expressed, he would willingly submit.

Mr Pomeroy did not precisely understand what they would call the peculiar doctrines of both gentlemen, (Messrs Fitch and Niles) they must necessarily yield to the popular will, expressed in the ordinary republican way. Now there had been four days spent in discussion—the Convention had deliberated and calmly determined the question presented—by a decided majority, though it was a small one; notwithstanding the objection to the gentleman from Guilford, there was still a majority of two. But why must they have another hearing? Do they expect new light, and a consequent change in opinions which had been already clearly and deliberately expressed? He supposed there had been a fair hearing—nor could the result be at all varied by the difficulty which had been represented as to the gentleman from Guilford; in that matter, there could be no contest; and were his conduct such as had been represented, he would say it was conduct which he deplored. There was a new view of this question which he desired to present. Since Saturday he had taken the trouble to examine and see how the population of Vermont was represented in the vote of Saturday—and he trusted, when he stated the result of the examination, that the gentleman from West Fairlee, and all who had expressed such strong regards for the people, would find their consciences scrupled settled. The representatives favorable to the amendments represented 177,964 of the people of Vermont, while those against them represented but 92,123; or in other words, while there was a bare majority of two or three in convention, the popular vote, as thus expressed, was nearly two to one in favor of the amendments. In view of this fact he appealed to those who most emphatically claimed to be lovers of the people, to say whether they would move further in this matter. If their faith was any thing but a dead faith, he trusted they would manifest it by refusing to reconsider the vote.

Mr Fitch said he was not disposed to discuss the propriety of particular gentlemen acting here, but he would ask by what authority the delegate from Burlington claimed for representatives of the larger towns a greater weight and influence, or a higher prerogative, than for the representatives of small towns? The constitution and the laws had no where so provided: great or small, each man in that hall counted but one. He would not discuss that principle. There had been corruption there, in the delegate from Guilford, if common reports were true; as well might he enter the British Parliament in the character of a representative of his town, as could that gentleman take his seat in the Convention. He had nevertheless come there and exercised his influence; he knew not but that influence would procure a constitution which the people had not asked for, and which the convention ought not to grant. Were the question determined fairly—had there been no fraud—a majority of half a vote was amply sufficient to satisfy him. Here, however, was a case of fraud, that vitiated the whole proceeding, and he would not impose upon the State a constitution so manufactured.

Mr Pomeroy replied that the gentleman had intimated that he claimed more than belonged to him: he denied that charge in toto, from the beginning to the end of it. He did indeed endeavor to show that a majority of the people had, through their delegates, expressed their will on the question before the convention, and he deemed it unfair and ungenerous to attack that argument by endeavoring to render the individual odious who had offered it. He claimed nothing above what belonged equally to every man there—the gentleman from Thetford knew it—and was it fair and honorable in him, occupying the high station he did, to misrepresent him? He said he stood upon that floor the representative of the Constitution, clothed with the authority and invested with the rights which that instrument conferred; he claimed nothing more, he yielded to nothing less. In this the convention would hear him out. Allusion had been made in the course of this debate to manufacturers, as a distinct, privileged or an aristocratic class. He believed that a farmer or a mechanic, a professional man or a manufacturer, had his equal vote here; he claimed an equality for all. Without professing to know much or care much about manufacturers, he would say that they had rights. Large towns had rights; fifteen freemen of Burlington were as good, and as much to be respected and protected in all their rights, as fifteen freemen residing in St. George or on the mountains of Lowell. In addressing the argument he had, he assumed the broad ground that the people had equal and constitutional rights; he did not assume to himself more than he gave to another.

Mr Fitch desired to explain; he was sorry the gentleman felt himself to be misused. He had supposed that when he (Mr P.) undertook to count upon numbers here, he meant what he said. If he did not mean what he said, then he regretted the misunderstanding. Mr White said this was an extraordinary proceeding—unparliamentary in the extreme. A charge of corruption, coupled with epithets at least offensive, had been broadly made, without extending opportunity for defence. And this charge was made when the committee of Elections had reported, and that report was upon the table. Why was not that report taken up and justice done? Would the convention prejudice this case? Would they act upon mere rumor and decide without the facts? Never—never would he sit there and assent to it. Let an examination be had to the proper form. He moved that the report of the committee of Elections be recommitted, with instructions to report the facts.

Mr Calhoun moved that the motion for reconsideration be laid upon the table. Here, it was stated by the report of the committee that there were seventy cases where the ordinance had not been complied with in the election and return of delegates: was all corruption, then, he asked, to be ascribed to one? Who could say that there had not been as deep corruption, as much turpitude, in more than one case, as rumor said there was in this? This was a matter to be determined by the convention; and before that determination, gentlemen had no right to point to individual cases.

Mr Fitch assented to the motion. Mr Dillingham thought it proper to lay the motion upon the table, and first proceed to dispose of the new matter which had been suggested. He said that he considered every man upon that floor independent—he claimed that every man had acted

honestly, and repudiated the idea that his vote, or the vote of any gentleman, had been controlled by the delegate from Guilford; the intimation of the possibility of such a thing was an aspersion upon the character of the convention for intelligence, independence and virtue. He said he was surprised at the warmth evinced by the venerable President; he (Mr D.) highly esteemed him for his moderation, and for his ordinary spirit of charity; it was certainly then with the greatest surprise he had heard him utter a charge of corruption and baseness against a gentleman who was not there upon the floor to hear that charge and meet it. He was persuaded this course was inconsistent with the whole character of that gentleman for forbearance and candor—it was a course which he never would have pursued, had not the poison been busily infused from the lips of others. We are all, said he, liable to excitement—who should therefore judge all in the spirit of kindness. Rumor with her thousand tongues had, it was true, told her thousand tales about the gentleman from Guilford. Rumor with her thousand tongues had also told other tales—he trusted he should be pardoned if he said the gentleman from Glensbury who voted against the amendments, had not escaped implication. But he would not charge corruption and baseness and moral turpitude to him. Let the committee examine the facts, let it determine the question, in the way the constitution had provided and as reason dictated; let it deliberate, dispassionately, without bitterness—reasonably, without madness. He would sit there until March, if it were necessary—send for persons and papers—examine, judge, exclude the wrong and protect the right. Any other course was unworthy the convention.

Mr Fitch explained: he was not apprised that the gentleman from Guilford was absent.

The discussion was continued by Messrs Dea, Collamer, Mattocks and Tracy, the three latter gentlemen opposing the motion to lay upon the table, and also the motion for reconsideration—when the motion to lay upon the table was negatived without a division, and the question recurred, Will the convention reconsider the vote of Saturday, adopting the articles providing for a Senate?

Messrs Dea, Albee, Niles and Goodale supported the motion, opposed by Messrs Merrill and Collamer. Mr Whitney also opposed the motion, although he had voted against the amendments. He took the ground that if a majority had sustained the amendments on Saturday, then were those amendments incorporated in the constitution—they had formed a part of that instrument for the last fifty-two hours, and were entirely beyond the reach of the convention. There was a majority of at least two for the amendments—the question was settled—and it was rather derogatory to the dignity of that body to attempt to disturb it; it implied the supposition, at least, that they were ready hastily to change an opinion which had been deliberately expressed.

The question was then taken—ayes 110, noes 119; so the Convention REFUSED TO RECONSIDER the vote of Saturday.

MONDAY, 2 O'CLOCK, P. M.

Mr Vilas introduced a resolution declaring it inexpedient to adopt the first, second, third, fourth and fifth articles of the proposed amendments, (providing for the election of Sheriffs, High Bailiffs, State's attorneys, Judges of Probate, and Justices of the Peace.) On motion of Mr. V. the resolution was laid on the table.

Mr Mattocks called up the resolution this morning introduced, declaring it inexpedient to adopt the 19th article of the proposed amendments, (providing for the adoption or rejection of amendments to the Constitution hereafter proposed, by a direct vote of the people.)

Mr M. said he would remind gentlemen of their pledges in reference to this article and call upon them to redeem those pledges. [The pledges alluded to were given by gentlemen favorable to the Senate, and were made to satisfy the smaller towns that their rights should be secured.]

Mr Pomeroy said his constituents were unfavorable to the amendment, and it was due himself to say that he voted against it, considering himself bound by the pledges which had been mentioned. He came here to act for his constituents—and to act, when required, in a spirit of compromise.

The question was put and there were ayes 193, noes 25; so it was declared INEXPEDIENT to adopt the nineteenth article of the amendments.

The noes were as follows: Messrs. Bailey of Fairlee, Beaman of Fairfax, Blodgett, Brownell, Carpenter of Orange, Chipman, Clark, Dea, Eager, Hall of W., Harmon, Hendee, Hollister, Hyde, Jackson, Jenness, Mason of S., McDaniels, Morgan, Palmer of Danville, Rounds, Soper, Stevens of Newbury, White.—25.

Mr Collamer introduced a resolution declaring it inexpedient to adopt the 16th and 17th articles of the proposed amendments, providing that the Legislature may hereafter divide the State into Senatorial districts and apportion the senators, without increasing their number, according to population.—After a few remarks from Messrs Collamer, Vilas and Butler, with particular reference to the effect of the articles upon the County of Lamoille—these gentlemen each considering that County entitled at least to one Senator, either upon its organization, or after the census of 1840.

Mr Hendee opposed the resolution; he thought the State was now quite thoroughly gerrymandered, and he would give the legislature power to remedy the evil. He wished for districts, thirty of them, one to each Senator, that the elections might be brought home to the People, uncontrolled by pluralities or caucus nominations. The representation in the House it was said was unequal, Burlington with its 300 population having no more voice than Brighton with her 10 or 20 freemen; nor did he (Mr H.) think the Senate much better in this respect. Orleans Co. with 14,000 population, was only equal to Essex with 4,000. He hoped the subject would be left open, so that the representation in the Senate at least might be equalized.

The question was put ayes 210, noes 8 so it was resolved to be INEXPEDIENT to adopt the 16th and 17th articles. The noes were as follows: Messrs. Adams, Bean, Brownell, Field of Guilford, Hendee, Huntington, Padlock, Stebbins.—8.

Mr Vilas called up the resolution declaring it in-